

# City Council Agenda

Council President  
**Jerry Duncan**

Councilmembers

**Tom Boyajian**  
**Brian Calhoun, Ph.D.**  
**Mike Dages**

City Manager  
**Andrew T. Souza**

City Clerk  
**Rebecca E. Klisch, CMC**

**Henry T. Perea – Acting President**  
**Cynthia Sterling**  
**Larry Westerlund**

City Attorney  
**James C. Sanchez**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

**October 3, 2006**

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on ([www.ci.fresno.ca.us](http://www.ci.fresno.ca.us)). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

## **8:30 A.M. ROLL CALL**

Invocation by Pastor Dave MacNeill of Student Ministries

Pledge of Allegiance to the Flag

### **Ceremonial Presentations:**

Presentation of SPCA Pet of the Month – Acting President Perea

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of September 26, 2006

**Action Taken:**

Councilmember Reports and Comments

**Action Taken**

Approve Agenda

**Action Taken:**

Adopt Consent Calendar

**Action Taken:**

1. **CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered immediately following.

- A. \* **RESOLUTION** - 444th amendment to MFS Resolution No. 80-420 increasing green fees at Riverside Municipal Golf Course – PR&CS  
**Action Taken:**
- B. \* **RESOLUTION** - 23rd amendment to AAR No. 2006-253 appropriating \$25,000 in the Camp Fresno Capital Improvement Fund received from a Lowe's Charitable & Educational Foundation Grant to assist with the rehabilitation of Camp Fresno **(Requires 5 affirmative votes)** – PR&CS  
**Action Taken:**
- C. Documents pertaining the parking lot enhancements at Fresno Yosemite International Airport – Airports Dept.  
1. \* Award a contract to American Paving Co. of Fresno, California for parking lot enhancements at Fresno Yosemite International Airport – Airports Dept.  
**Action Taken:**  
2. \* **RESOLUTION** - 24th amendment to AAR No.2006-253 in the amount of \$150,000 to award a contract for parking lot enhancements at Fresno Yosemite International Airport **(Requires 5 affirmative votes)**  
**Action Taken:**
- D. \* **RESOLUTION** - To change the rate and method of apportioning the special tax and establishing a new maximum special tax for Annexation No. 128, Final Tract No. 5287 of the City of Fresno Community Facilities District No. 2, and setting the hearing for November 14, 2006, at 10:00 a.m. **(Property located in District 5)** – Public Works Dept.  
**Action Taken:**
- E. \* Approve a Memorandum of Understanding (MOU) with the Council of Fresno County Governments (COG) for Phase II of the Fresno-Madera Metropolitan Freeway Interchange Deficiency Study – Public Works Dept.  
**Action Taken:**
- F. \* Award a contract in the amount of \$1,258,104.00 to Floyd Johnston Construction Co. Inc., for construction of a 36" sewer main in Marks Avenue **(Property located in District 3)** – Public Works Dept.  
**Action Taken:**
- G. \* **RESOLUTION** – 25<sup>th</sup> amendment to AAR No. 2006-253 appropriating \$3,860,300 in Convention Center Improvement Bond proceeds to provide funds for the completion of the project that was previously approved by Council **(Requires 5 affirmative votes)** – Public Works Dept.  
**Action Taken:**

1. **CONSENT CALENDAR CONTINUED**

- H. \* Approve amendment to the agreement with MBIA Muniservices Company for the State Enterprise Zone application - Economic Development Department  
**Action Taken:**
- I. Recommend to City Council approval of Revised Conditional Home Investment Partnerships Program funding commitment to SADI, LLC. for construction of the Tanager Springs Affordable Rental Housing Development – Planning and Development Dept./Housing & Community Dev.  
**Action Taken:**

**CONTESTED CONSENT CALENDAR**

**CLOSED SESSION**

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** Linda Martino-Vondracek v. City of Fresno [Workers' Compensation]
  2. **Case Name:** Richard Aaron Jones, et al. v. City of Fresno, et al.
  3. **Case Name:** Jennie Peck v. City of Fresno [Workers' Compensation]
  4. **Case Name:** City of Fresno v. Pinedale Public Utility District  
**Action Taken:**
- B. **CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION** - Government Code Section 54956.9, subdivision(c)
1. **Case Name:** City of Fresno v. Salvador Diaz, Victoria Lara, Rosalinda Ocelo and Howard Sims  
**Action Taken:**

**JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY**

- C. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. Heritage Fresno, et al. v. Redevelopment Agency of the City of Fresno, et al.; Fresno County Superior Court Case No. 05CECG00012  
**Action Taken:**
- D. **CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)
1. Redevelopment Agency of the City of Fresno v. Old Armenian Town, LLC.  
**Action Taken:**

2. **CITY COUNCIL**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

- 9:00 A.M. A. **SCHEDULED COMMUNICATION –**
- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

## SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:15 A.M.

### GENERAL ADMINISTRATION

- A. \* Adopt resolutions and approve notice of exemptions authorizing acceptance of Safe Drinking Water State Revolving Fund low interest loans from the California Department of Health Services for installation of disinfection facilities at twenty four (24) well sites and implementation of improvements along the enterprise canal to protect source waters from potential contaminating activities and authorize the Director of Public Utilities to execute all necessary documents Dept. of Public Utilities
1. Adopt notices of exemption for State Drinking Water State Revolving Fund (SDWSRF) loans application numbers 1010007-04, 10100070-11, pursuant to CEQA Guideline Section 15301 (Class 1) for existing facilities  
**Action Taken:**
  2. \* **RESOLUTION** - Authorizing the Director of Public Utilities or designee(s), thereof, to negotiate and sign funding agreement and amendments for funding under the Safe Drinking Water State Revolving Fund; to approve claims for reimbursement; to execute budget expenditure summaries; to sign contractor's release form and the certification of project completion; and dedicating Department of Public Utilities revenues from water user rates, fees or charges as the dedicated source of revenue to repay said loan  
**Action Taken:**
  3. \* **RESOLUTION** – Authorizing the Director of Public Utilities or designee(s), thereof, to negotiate and sign funding agreement and amendments for funding under the Safe Drinking Water State Revolving Fund; to approve claims for reimbursement; to execute budget expenditure summaries; to sign contractor's release form and the certification of project completion and dedicating Department of Public Utilities revenues from user water rates, fees or charges as the dedicated source of revenue to repay said loan  
**Action Taken:**

9:45 A.M.

**HEARING** to consider Rezone Application No. R-05-103, and environmental findings, filed by Seng Van and Txa Vang, pertaining to approximately 0.49 acre of property located on the northeast corner of N. Maroa and W. Beechwood Avenue (***Property located in District 2***) – Planning and Development Dept.

**Action Taken:**

- a. Consider and adopt Environmental Assessment No. R-05-103, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan  
**Action Taken:**
- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-2-A (*Low Density Multiple Family Residential, One Story/conditions of zoning*) zone district to the R-1 (*Single Family Residential*) zone district  
**Action Taken:**

9:50 A.M.

**HEARING** to consider Rezone Application No. R-06-35, and environmental findings, filed by Generation Homes, pertaining to approximately 4.0 acres of property located on the east side of N. Polk Avenue between W. Shields and W. Clinton Avenues. The project also includes the detachment of the subject property from the Kings River Conservation District and the North Central Fire Protection District and annexation to the City of Fresno for which the Fresno County Local Agency Formation Commission (LAFCO) is the responsible agency (***Property located in District 1***) – Planning and Development Dept.

**Action Taken:**

- a. Consider and adopt Environmental Assessment No. R-06-35/T-5567, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan  
**Action Taken:**
- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the RR (*Rural Residential, Fresno County*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district  
**Action Taken:**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

- 9:55 A.M. HEARING** to consider Rezone Application No. R-06-46, and environmental findings, filed by Gary Mason on behalf of Joseph and Lillian Rajskup, pertaining to approximately 1.78 acres of property located on the northeast and northwest corners of W. Olive and N. Carnegie Avenues in the unincorporated portion of the City of Fresno. The project also includes the detachment of the subject property from the Kings River Conservation District and the North Central Fire Protection District and annexation to the City of Fresno for which the Fresno Local Agency Formation Commission (LAFCO) is the responsible agency **(Property located in District 3)** – Planning and Development Dept.  
**Action Taken:**
- a. Consider and adopt Environmental Assessment No. R-06-46/TPM-2006-34, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan  
**Action Taken:**
  - b. **BILL** – Amending the Official Zone Map to rezone the subject property from the RR (*Rural Residential, Fresno County*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district  
**Action Taken:**
- 10:00 A.M. HEARING** to consider Community Facilities District No. 11, Annexation No. 10 Tract No. 5614 (**Property located in District 2**) - Public Works Dept.  
**Action Taken:**
- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 10 and authorizing the levy of a special tax  
**Action Taken:**
  - b. **RESOLUTION** - Calling special mailed-ballot election  
**Action Taken:**
  - c. **RESOLUTION** - Declaring election results  
**Action Taken:**
  - d. \* **BILL** - Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 11, Annexation No. 10  
**Action Taken:**
- 10:05 A.M. WORKSHOP** on the Fulton Mall – City Manager's Office  
**Action Taken:**
- 10:30 a.m.** Consider City Council Initiation of a Plan Amendment Application to the Butler-Willow Specific Plan, Roosevelt Community Plan and 2025 Fresno General Plan related to the vehicle traffic diverter at the intersection of E. Butler Avenue and S. Peach Avenue (**Property located in District 5**) – Councilmember Dages  
**Action Taken:**
- 11:00 A.M. JOINT MEETING WITH THE FRESNO REDEVELOPMENT AGENCY**
- Approve Agency minutes of September 19, 2006  
**Action Taken:**
- A. Consider actions Relating to Proposed California Triangle Project bounded by Kern, Waterman, and California Streets, within the Southwest Fresno GNRA Urban Renewal Project Area: **(Property located in District 3)**
    1. **RESOLUTION** - Approving a Relocation Plan for the California Triangle Project in the Southwest Fresno General Neighborhood Renewal Area Urban Renewal Plan Project Area (**Council and Agency action**)  
**Action Taken:**
    2. **RESOLUTION** - Approving a Replacement Housing Plan for the California Triangle Project in the Southwest Fresno General Neighborhood Renewal Area Urban Renewal Plan Project Area (**Agency action**)  
**Action Taken:**
- ADJOURN AGENCY**
- October 3, 2006                      \*SUBJECT TO MAYOR'S VETO OR RECONSIDERATION  
AND MAY BE AMENDED AT ANYTIME

## SCHEDULED COUNCIL HEARINGS AND MATTERS

Oct.	10 -	<b>NO MEETING – COLUMBUS DAY</b>	
Oct.	17 -	10:00 A.M.	<b>HEARING</b> re: the vacation of a portion of Ellery Avenue between Hanover and Sonora Avenues - R.I. 1054-D
Oct.	17 -	10:10 A.M.	<b>HEARING</b> re: the vacation of a purported alley lying in the north twenty feet of lot 32 in Block 8 of Calwa Townsite, located on the south side of Jensen Avenue bypass east of Eleventh Street
Oct.	17 -	10:30 A.M.#1	<b>CONTINUED HEARING</b> to consider increase to the current Citywide traffic signal impact fee
Oct.	17 -	10:30 A.M.#2	
			Impact Report 10130 for the City's 2025 General Plan – Public Works Dept.
Oct.	17 -	10:45 A.M.	Introduction of bills relating to Text Amendment Application No. TA-06-02 (Variety Pak No. 3) – Planning and Development Dept.
Oct.	24 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates for the Fall Quarter – <i>(Reception immediately following – 2<sup>nd</sup> floor foyer)</i>
Oct.	24 -	10:00 A.M.	<b>HEARING</b> re: UUD No. FRE-87 (Orange Avenue betw. North Avenue and the State Route 99)
Oct.	24 -	10:15 A.M.	<b>WORKSHOP</b> re: Downtown lake – City Manager's Office
Oct.	31 -	10:00 A.M.	<b>HEARING</b> re: CUP No. C-05-73, filed Sol Development on behalf of Transtar Holdings
Oct.	31 -	3:00 P.M.	<b>HEARING</b> relating to Text Amendment Application No. TA-06-02 (Variety Pak No. 3)
Nov.	14 -	10:00 A.M.	<b>HEARING</b> to adopt a resolution to change the rate and method of apportioning the special tax and establishing a new maximum special tax for Annexation No. 128, Final Tract No. 5287 of CFD No. 2
Nov.	15 -	3:00 P.M.	<b>(WEDNESDAY)</b> Presentation of Employee Service Awards in the Council Chambers – <i>(Reception immediately following – 2nd floor foyer)</i>
Nov.	21 -	<b>NO MEETING – THANKSGIVING WEEK</b>	
Nov.	28 -	9:00 A.M.	Presentation by Bart Bohn, County Administrative Officer to discuss proposed increase of County of Fresno's public facilities impact fees
Dec.	19 -	<b>NO MEETING – CHRISTMAS WEEK</b>	
Dec.	26 -	<b>NO MEETING – NEW YEARS WEEK</b>	
Jan. 30, 2007-		10:00 A.M.	<b>CONTINUED HEARING</b> to consider adoption of a resolution amending the Storm Drainage and Flood Control Map and amending the drainage fees and costs for each local drainage area for all developments within the joint area of the City of Fresno, California and the Fresno Metropolitan Flood Control